

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WS 2243 PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/011449	International filing date (<i>day/month/year</i>) 13.10.2004	Priority date (<i>day/month/year</i>) 21.11.2003	
International Patent Classification (IPC) or national classification and IPC D02G3/34, D01H4/50			
Applicant SAURER GMBH & CO. KG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/011449

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-9 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 1-7 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/2-2/2 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/011449

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 – 7	YES
	Claims		NO
Inventive step (IS)	Claims	1 – 7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 – 7	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following document:

D1: US 5 509 261 A (WASSENHOVEN ET AL), 23 April 1996
(1996-04-23)

2. Document D1 is regarded as the closest prior art. It discloses (the references in parentheses are to that document) a process for producing special-effect yarns in an open-end rotor spinning machine, the special-effect yarns including a row of alternating fibres and effects formed by predetermined variations in yarn thickness (column 3, lines 4–9), and in which process the special-effect yarn can be repaired by a piecer whenever it breaks (column 7, lines 12–35).

2.1 The process according to independent claim 1 differs therefrom in that a special effect is produced in the yarn in the piecing zone that follows the piecer (31) and which includes the run-up phase of the spinning rotor (11). The subject matter of claim 1 is thus novel (PCT Article 33(2)).

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
2.2	Document D1 implicitly discloses a special-effect yarn which includes a row of alternating fibres and effects formed by predetermined variations in yarn thickness.	
2.3	The special-effect yarn as per independent claim 7 thus differs therefrom in that the special-effect yarn (16) also comprises special effects (37, 39, 41) in the yarn piecing zone that directly follows the piecer (31). The subject matter of claim 7 is thus also novel (PCT Article 33(2)).	
2.4	The present invention can therefore be considered to address the problem of devising a process for generating special-effect yarn and in which special-effect yarn is produced with inconspicuous piecing zones.	
2.2	The process proposed in claim 1 to solve this problem, and the resulting special-effect yarn defined in claim 7, are not suggested by any of the search report citations. On the contrary, document D1 points away from the solution described in the application (see column 1, lines 50-58).	
3.	Claims 2-6 are dependent on claim 1 and thus also meet the PCT novelty and inventive step requirements.	